

28.04.2025
Sl. No.10
Ct.3/ tkm

W.P.A. 3457 of 2024
[Tara Rudra vs. State of West Bengal & Ors.]

Mr. Sabyasachi Chatterjee
Mr. A Mukherjee
Mr. Badrul Karim
Mr. S Roy

... .. for the petitioner

Ms. Chandrani Bhattacharya
... .. for Kamarhati Municipality

Mr. Tapas Kr. Mandal
... .. for the State

1. The petitioner, being the widow of the deceased employee of the respondent municipality, is aggrieved by the inaction on the part of the respondent municipality in failing to release the retiral dues and full pensionary benefits accrued to her late husband.
2. The factual matrix of the case is that the husband of the petitioner had served Kamarhati Municipality for more than 40 years. He retired as a driver from the Vehicles Department on 31.01.2017. After his retirement he got only the ad-hoc pension i.e. Rs. 9,500/- approximately and subsequently he passed away on 22.12.2022. After his death Kamarhati Municipality has been paying the petitioner a provisional family pension of Rs. 9,500/- approximately. The said amount is significantly less than the original pension to which the

petitioner is lawfully entitled. Apart from this, the service book has not been provided, and neither the full gratuity nor the arrear pension has been released to the petitioner, despite the lapse of more than 3 years since the death of her husband. Accordingly, the petitioner had no other alternative but to give several representations to the Chairman of the Kamarhati Municipality requesting the respondent municipality to disburse the full pensionary benefit along with arrear pension and gratuity and the service book of the deceased person. Despite of several representations, the respondent authorities failed to take any substantive action to redress the grievances of the petitioner.

3. Being aggrieved and dissatisfied with the arbitrary and wrongful disbursement of payment at a reduced rate, withholding of full gratuity as well as non-consideration of her representation, the petitioner has preferred the present writ petition before this Hon'ble Court under Article 226 of the constitution of India.
4. Learned counsel for the respondent municipality submits that the Director of Local Bodies has approved the grant of gratuity and other pensionary benefit to the petitioner. The relevant

files have been forwarded to the Director of Provident Fund and Pension for final approval and disbursement.

5. Learned counsel for the State submits that the necessary pension and other benefits shall be released within four weeks from the date of communication of this order. The state shall be held bound by the assurance extended before this Court.
6. With the above direction present writ petition is disposed of.

(Gaurang Kanth, J.)